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In the Supreme Court of the United States

OCTOBER TERM, 1934

No. 585

MRS. OSCAR C. DOTY, et al, *Appellants*,
vs.
J. S. LOVE, Superintendent of Banks of the State of Mississippi, *Appellee*.

Appeal from the Supreme Court of the State of Mississippi.

MOTION TO DISMISS APPEAL.

C. L. HESTER,
C. R. BOLTON,
H. H. CREEKMORE,
Attorneys for Appellee.

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Now comes the appellee, by his attorneys, and moves the Court to dismiss the appeal herein for the following reasons:

(1)

The citation to the appellee in this case was signed by the Chief Justice of the Supreme Court of Mississippi who was the Justice allowing the appeal, on November 5, 1934, and was returnable, in accordance with Rule 10 of the Supreme Court of the United States, within forty days from the said date (typewritten transcript page 234). The appellants did not docket the case, and file the record thereof, with the Clerk of the Supreme Court of the United States on or before the return day, in accordance with Rule Number 11 of the Supreme Court of the United States, but filed the record after the return day, to-wit: on December 19, 1934.

(2)

This cause is set for hearing for Thursday, March 7th, 1935. Counsel for appellants have not complied with Rule 27 of this Court, in that, they did not file with the Clerk at least three weeks before the case is called for hearing, forty copies of a printed brief, nor has any copy thereof been furnished to any of the counsel engaged upon the opposite side, and on this the

25th day of February, 1935, Counsel for appellants have not filed such brief, but are wholly in default under the provisions of said Rule 27 in relation to briefs and the time of filing same with the Clerk.

Respectfully submitted,

C. L. HESTER,
C. R. BOLTON,
H. H. CREEKMORE.
Attorneys for Appellee.

CERTIFICATE

I, H. H. Creekmore, one of the attorneys for appellee, certify that I have this day delivered in person a true copy of the above and foregoing motion to dismiss, to E. C. Sharp, one of the attorneys for the appellants.

This February 25, 1935.

H. H. CREEKMORE.